IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH, JAIPUR
J U D G M E N T

S.B. Civil Misc. Appeal No.638/97

Kumari Bharti Vs. Bhanwar Singh Shekhawat & Ors.

Date of Judgment :: 4th October, 2006

Hon'ble Mr. Justice G.S. Sarraf

Mr. K.N. Tiwari for appellant.
Mr. Pritam Bijlani for respondent no.3.

The claimant-appellant has filed this appeal under Section 173 of the Motor Vehicles Act against the judgment / award dated 17.4.97 of the Motor Accident Claims Tribunal, Jaipur City, Jaipur.

Briefly stated the facts are that the claimant-appellant was going by mini- bus RNB 4494 from Sanganer towards Ajmeri Gate, Jaipur on 21.1.91. The mini-bus driven rashly and negligent by one Bhanwar Singh Shekhawat dashed against a truck standing near agriculture farm Durgapura in consequence of which the claimant appellant suffered injuries. Respondent no.3 is

the insurance company of the mini-bus RNB 4494. After hearing the parties, the learned Tribunal passed an award of Rs.30,000/- in favour of the claimant-appellant with the direction that the aforementioned amount be paid within a month together with interest at the rate of 15% per annum from 8.4.1991 and in default the interest payable would be 18% per annum. Aggrieved by this judgment / award the claimant-appellant has filed this appeal.

Mr. K.N. Tiwari learned counsel for the claimant-appellant has contended that the compensation awarded by the learned Tribunal is grossly inadequate and, therefore, it should be reasonably increased keeping in view 20% permanent disability suffered by the claimant-appellant.

Mr. Pritam Bijlani learned counsel for the respondent no.3 has supported the judgment / award of the learned Tribunal.

A few interesting aspects of the case deserve to be noted. The accident has occurred

on 21.1.91 whereas the statement of the claimant has been recorded on 21.2.95 and thereafter the permanent disability certificate Ex.10 has been prepared on 8.3.1995. According to the statement of Dr. M.K. Mathur AW-2 and the permanent disability certificate Ex.10 torn hymen has also been taken into consideration in determining the extent of disability I am not able to understand as to how permanent disability is caused by a torn hymen. Dr. M.K. Mathur AW-2 states that on account of this permanent disability **"इन्हें उकड़ू बैठने में, आलथी-पालथी बैठने में मुश्किल का सामना करना पड़ेगा।".** The claimant Bharti AW-1 nowhere states that she faces any problem when sitting in the above postures or positions.

The learned Tribunal has discussed the evidence available on record in detail while deciding issues nos.3 and 5. The detailed and reasoned discussion makes it abundantly clear that the amount of compensation awarded by the learned Tribunal in favour of the claimant-

appellant is fair and adequate. The learned Tribunal has discussed the evidence in right perspective and I have failed to persuade myself to take a different view in the matter. Thus looking to the evidence on record and considering all the facts and circumstances of the case there is no ground for interference in the judgment / award of the learned Tribunal.

In the result the appeal of the claimant-appellant fails and the same is dismissed accordingly.

(G.S. Sarraf),J.

Rs/-